

Appl. No. 10/073,110
Amtd. dated N/A
Reply to Office action of May 1, 2003

REMARKS/ARGUMENTS

1) Summary of Prosecution

Claims 1-10 have been withdrawn. In view of the Examiner's earlier restriction requirement, Applicant retains the right to present claims 1-10 in a divisional application. Claims 11-16 remain in this application.

2) Anticipation - 35 USC 102(b) - (Claims 11-13, 15, and 16)

The Examiner objected that claims 11-13, 15, and 16 are anticipated by United States Patent No. 4,037,670 to Atherton et al. (the "Atherton Patent"). The Examiner also objected that these claims are anticipated by United States Patent No. 3,983,945 to Hart et al. (the "Hart Patent"). The Applicant respectfully traverses these objections as follows:

i) The Atherton Patent

Referring to Fig. 3 of the Atherton Patent, the Examiner states, in part, that the Atherton Patent discloses a bracket (61), a clamp shoe (63) and a hydraulic ram (67). The Examiner further states that "the end of the hydraulic ram (67) is received in the bracket (61)", and acts on the rear face of the clamp shoe (63).

In this arrangement, only an "end" of the hydraulic ram is attached to the bracket. The hydraulic ram itself is not received in the bracket. Accordingly, the Atherton Patent discloses a hydraulic ram (67) external to the bracket (61).

The Atherton Patent also discloses that the hydraulic ram (67) is pivotally connected to the clamp shoe (63) (see column 4, lines 43-48 of the Atherton Patent).

In contrast, independent Claim 11 of the present application recites, in part (emphasis added): a bearing holder, a removable bearing *received in* said holder and at least one

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adjustment mechanism for varying the position of said bearing in said holder, said adjustment mechanism being received in said holder and acting on a rear face of said bearing....

As shown in Fig. 3 of the present application, both the bearing and the adjustment mechanism are "received in" the holder. The Atherton Patent does not disclose that the hydraulic ram is received in the bracket. Instead, the hydraulic ram of the Atherton Patent is external to the bracket.

Furthermore, the adjustment mechanism of the present application acts on the rear face of the bearing. The Atherton Patent does not disclose that the hydraulic ram acts on the rear face of the clamp shoe. While it is not entirely clear from the Fig. 3 of the Atherton Patent, it appears that the hydraulic ram acts on a pin of the clamp shoe, not a rear face.

Accordingly, the claimed invention is patentably distinctive from that which is disclosed in the Atherton Patent. The Applicant respectfully submits that Claim 11 is not anticipated by the Atherton Patent. Claims 12-13, 15, and 16 ultimately depend from independent claim 11. To the extent that claim 11 is presently allowable, claims 12-13, 15, and 16 are also allowable.

ii) The Hart Patent

Referring to Fig. 2 of the Hart Patent, the Examiner states, in part, that Hart discloses a clamp member (43), a U-shaped wear member (28) and an adjustment mechanism being received in the clamp member (43). (The reference to "wear member (28)" appears to be a typographical error; the wear member is identified by reference numeral "29" (see column 2, line 32)).

However, it appears that the wear member (29) is not received in the clamp member (43). The wear member (29) is actually received by the bracket (19), which does not form any part of the clamping mechanism (10). As shown in Fig. 2 of the Hart Patent, bracket (19) is located behind clamp member (43). This appears to explain why wear member (29) is shown in stippled lines in Fig. 2. If wear member (29) were received by clamp member (43), then it would likely be shown in solid lines in Fig. 2. At column 2, lines 29 to 33, the Hart Patent discloses that:

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[e]ach bracket 19 has an upper slot 27 and a lower slot 28 formed therein adjacent to the moldboard 11 with the slots opening toward each other. Each slot has a substantially U-shaped wear member 29 disposed therein for slidably receiving the slide rails 15 and 16.

Accordingly, the wear member (29) is not "received in said holder" as recited by Claim 11 of the present application.

Accordingly, the claimed invention is patentably distinctive from that which is disclosed in the Hart Patent. The Applicant respectfully submits that Claim 11 is not anticipated by the Hart Patent. Claims 12-13, 15, and 16 ultimately depend from independent claim 11. To the extent that claim 11 is presently allowable, claims 12-13, 15, and 16 are also allowable.

Closing Remarks

In view of the above remarks, the claimed invention is patentably distinctive from that which is disclosed in either the Atherton Patent or the Hart Patent. The Applicant respectfully submits that Claims 11-13, 15, and 16 are not anticipated by either the Atherton Patent or the Hart Patent.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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